

**WASHINGTON BOROUGH, WARREN COUNTY, NEW JERSEY**  
**LAND USE BOARD**  
**JUNE 8, 2020**  
**REGULAR MEETING AGENDA**

**"TO BE HELD VIRTUALLY VIA 'ZOOM CLOUD MEETINGS' PLATFORM**

Formal action may be taken at this meeting.

No public hearing will exceed ninety minutes per meeting.

This meeting will be held remotely using a streaming platform available to the public."

- I. Call to Order 7:30 PM  
Sunshine Statement  
Flag Salute  
Roll Call
- II. Approval of Minutes:
  - A. Regular meeting of March 9, 2020
- III. Resolutions: None
- IX. Applications:
  - A. Hoyer – Variance: Completeness Hearing
- X. Old Business: None
- XI. New Business:
  - A. A&B Properties – request for extension of time to perfect deeds
  - B. Towne Center – request for extension of time to 9/11/2021
- XII. Reports of Officers and Committees:
- XIII. Unagendized Statements: Open to Board Members and Public
- XIV. Communications:
- XV. Adjournment

**WASHINGTON BOROUGH LAND USE BOARD  
MINUTES OF REGULAR MEETING HELD ON  
MARCH 9, 2020**

The regular meeting of the Washington Borough Land Use Board was called to order by Chair VanDeursen at 7:30 P.M. in the second floor Court Room/Council Chambers of the Borough Hall. Chair VanDeursen read the following statement into the record: "The requirements of the "Open Public Meetings Law", P.L. 1975, Chapter 231, have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of the Borough Hall stating the time, place and purpose of the meeting as required by law." Chair VanDeursen led the Board in the Pledge of Allegiance.

**ROLL CALL:**

Present:	Higgins, VanDeursen, C. Post, Frascella, Fox, Turner
Absent:	Aron, Valle, P. Post
Also Present:	Steven Gruenberg, Attorney

**APPROVAL OF MINUTES:**

Regular Meeting of February 10, 2020: No comments. Therefore, it was moved by Fox, seconded by Frascella to approve the minutes.

**ROLL CALL:** Higgins, VanDeursen, C. Post,  
Frascella, Fox, Turner  
Ayes: 5; Nays: 0; Abstentions: 1(C. Post)  
Motion carried.

**RESOLUTION:**

Norris – Variance: No discussion on the resolution. Therefore, it was moved by Turner, seconded by Fox to adopt the resolution as presented.

**ROLL CALL:** Higgins, VanDeursen, C. Post,  
Frascella, Fox, Turner  
Ayes: 4; Nays: 0; Abstentions: 2(Higgins, C. Post)  
Motion carried.

**APPLICATIONS:** None

**NEW BUSINESS:** None

**OLD BUSINESS:** None

**REPORTS OF OFFICERS AND COMMITTEES:** None

**UNAGENDIZED STATEMENTS:**

Public portion opened. No public present. Public portion closed.

**COMMUNICATIONS:**

No discussion.

**ADJOURNMENT:**

The meeting was adjourned at 7:37 p.m. All in favor.

Respectfully submitted by Patricia L. Titus, Land Use Board Clerk

WASHINGTON BOROUGH BOARD OF ADJUSTMENT  
APPLICATION

\*\*\*\*\*For Official Use Only\*\*\*\*\*  
\*Case No.: \_\_\_\_\_ Time for Board Decision: 20 \_\_\_\_\_\*  
\*  
\*Date Filed: \_\_\_\_\_ Disposition Date: 20 \_\_\_\_\_\*  
\*  
\*Date Application Completed: 20 \_\_\_\_\_ Disposition: \_\_\_\_\_\*  
\*  
\*Hearing Date(s): \_\_\_\_\_\*  
\*  
\*\*\*\*\*

TO THE APPLICANT : COMPLETE APPROPRIATE SECTIONS IN FULL FOR  
RELIEF REQUESTED. PLEASE TYPE OR PRINT.

1. GENERAL INFORMATION  
TO BE COMPLETED BY ALL APPLICANTS

Block: 70 Lot: 6

Property Street Address: 10 Flower Ave  
Washington, NJ, 07882

Applicant's Name: Eric Hoyer

Applicant's Address: 10 Flower Ave  
Washington, NJ, 07882

Applicant's Telephone: 908-914-5278

Owner's Name: Eric Hoyer

Owner's Address: 10 Flower Ave  
Washington, NJ, 07882

Attorney's Name: \_\_\_\_\_

Attorney's Address: \_\_\_\_\_

Attorney's Telephone: \_\_\_\_\_

If applicant is not owner set forth applicant's interest in the  
property: \_\_\_\_\_

Current or Last previous use or occupancy: Residential

Proposed Use or Occupancy: Residential

**GENERAL INFORMATION**  
**(Continued)**

Zone:

ZONING  
ORDINANCE  
REQUIREMENTS

EXISTING  
CONDITIONS

PROPOSED  
CONDITIONS

Lot Area

Lot Frontage

Lot Width

*See Attached Survey*

Side Yard

Front Yard

Rear Yard

Accessory Bldg:

Distance to five (5) feet  
sideline

Distance to five (5) feet  
rear line

Distance to five (5) feet  
other bldg

Height

Bldg. Coverage

Floor area  
Ratio

Lot coverage

Accessory Bldg  
coverage

*0 x 0*

*10' x 16'*

Signs:  
Number

Size(s)

If sign variance attach graphic representation to scale) of size and location of proposed sign(s).

Have there been any previous applications involving these premises?  
No If so date(s) of applications: \_\_\_\_\_

Nature of prior application(s) and date of disposition: \_\_\_\_\_

\_\_\_\_\_

**2. NOTICE OF APPEAL OF  
ADMINISTRATIVE OFFICER'S DECISION**

(N.J.S.A. 40:55D-70(a))

(Must Be Filed Within 20 Days of Decision Appealed From)  
TO THE ADMINISTRATIVE OFFICER:

The applicant states that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ an application was made to \_\_\_\_\_

\_\_\_\_\_  
(Name and Title of Administrative Officer) for the purpose of (describe intended action): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

on the premises set forth above; and that the said Officer did on

the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, decline to issue a permit or took other action for the reasons stated in the attached copy of the Administrative Officer's Refusal of Permit Form or other notice of action.

Applicant files this notice of appeal with said officer, and with the Clerk of the Zoning Board of Adjustment, together with the required fee, and requests that action of the Administrative Officer be reversed or modified for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*TO APPLICANT File original of this form with the Administrative Officer and one copy with Clerk of Board of Adjustment.

\*\*\*TO ADMINISTRATIVE OFFICER Upon receipt of this form immediately transmit to the Board of Adjustment all papers which were available to you when your decision was made.

### 3. APPLICATION FOR VARIANCE

(N.J.S.A.40:55D-70(c) or (d))

TO THE BOARD OF ADJUSTMENT:

An application is hereby made for a variance from the terms of Section(s) Article VI, Chapter 94, Section 37 - Accessory Buildings Part of the Zoning Ordinance so as to permit placement of a shed in the "front yard" of the house.

#### REASONS FOR VARIANCE: (ATTACH SUPPLEMENTAL SHEETS IF NECESSARY)

(c) (1) (a) Describe exceptional size or shape of property: \_\_\_\_\_

See Attached Statement

(c) (1) (b) Describe exceptional topographic conditions or features unique to the property: \_\_\_\_\_

(c) (1) (c) Describe other extraordinary situations uniquely affecting the property: \_\_\_\_\_

(c) (2) Describe how the purposes of the Municipal Land Use Law would be advanced by deviation from the Zoning Ordinance: \_\_\_\_\_

(c) (2) Describe how the benefits of the deviation from the Zoning Ordinance would outweigh any detriment: \_\_\_\_\_

(d) Describe the special reasons for the granting of the variance: \_\_\_\_\_

Describe how the relief can be granted without substantial detriment to the public good: \_\_\_\_\_

Describe how the relief may be granted without substantially impairing the intent and purpose of the zone plan and zoning ordinance: \_\_\_\_\_

Eric Hoyer  
10 Flower Ave, Washington, NJ, 07882

Reasons For Variance: Supplemental Response

While most of the houses on Flower Ave appear to be placed fairly close to the road, the property at 10 Flower Ave is different. It is set back significantly from the street. Both the house and the requested shed would be over two hundred feet from the road. The property is shaded and easily overlooked from the road, especially during the warmer months.

While I can't speak for the intentions of the people who wrote the code, I have to imagine the purpose behind this limitation was to keep curb appeal high. To avoid clutter and eyesores throughout the neighborhood. I do not believe these concerns are applicable to the property at 10 Flower Ave due to its unusual positioning so far removed from the road. The visibility of the shed will be low from the street, due to distance and shading.

The house itself does not "face" Flower Ave, and I feel the suggested location of the shed makes the most sense in the context of the property and will not negatively effect the surrounding properties nor cause any harm to the public good.

4. APPLICATION FOR OTHER RELIEF

TO THE BOARD OF ADJUSTMENT:

An application is hereby made for:

- \_\_\_\_\_ Building Permit (N.J.S.A.40:55D-36)
- \_\_\_\_\_ Certification of preexisting nonconforming use  
(N.J.S.A.40:55D-68)
- \_\_\_\_\_ Interpretation of Zoning Map (N.J.S.A.40:55D-70(b))
- ✓ \_\_\_\_\_ Other: Describe: \_\_\_\_\_

Reasons: (ATTACH SUPPLEMENTAL SHEETS IF NECESSARY) \_\_\_\_\_

TO APPLICANT: File all copies with Clerk of the Board of Adjustment  
when only a variance or other relief is sought.

\*\*\*\*\*

5. CERTIFICATION

TO BE SIGNED BY ALL APPLICANTS AND OWNERS

IF A VARIANCE PURSUANT TO N.J.S.A.40:55D-70(d) IS SOUGHT I ALSO SEEK  
SUBDIVISION APPROVAL, SITE PLAN APPROVAL, OR CONDITIONAL USE APPROVAL  
FROM THE BOARD OF ADJUSTMENT AND SUBMIT THE DOCUMENTS REQUIRED THEREBY.

\_\_\_\_\_ Subdivision \_\_\_\_\_ Site Plan \_\_\_\_\_ Conditional Use

I CERTIFY THAT ALL THE INFORMATION SUBMITTED AND THE FOREGOING  
STATEMENTS MADE BY ME ARE TRUE. I AM AWARE THAT IF ANY OF THE FOREGOING  
STATEMENTS MADE BY ME ARE WILLFULLY FALSE, I AM SUBJECT TO PUNISHMENT.

Date: 3/9/2020

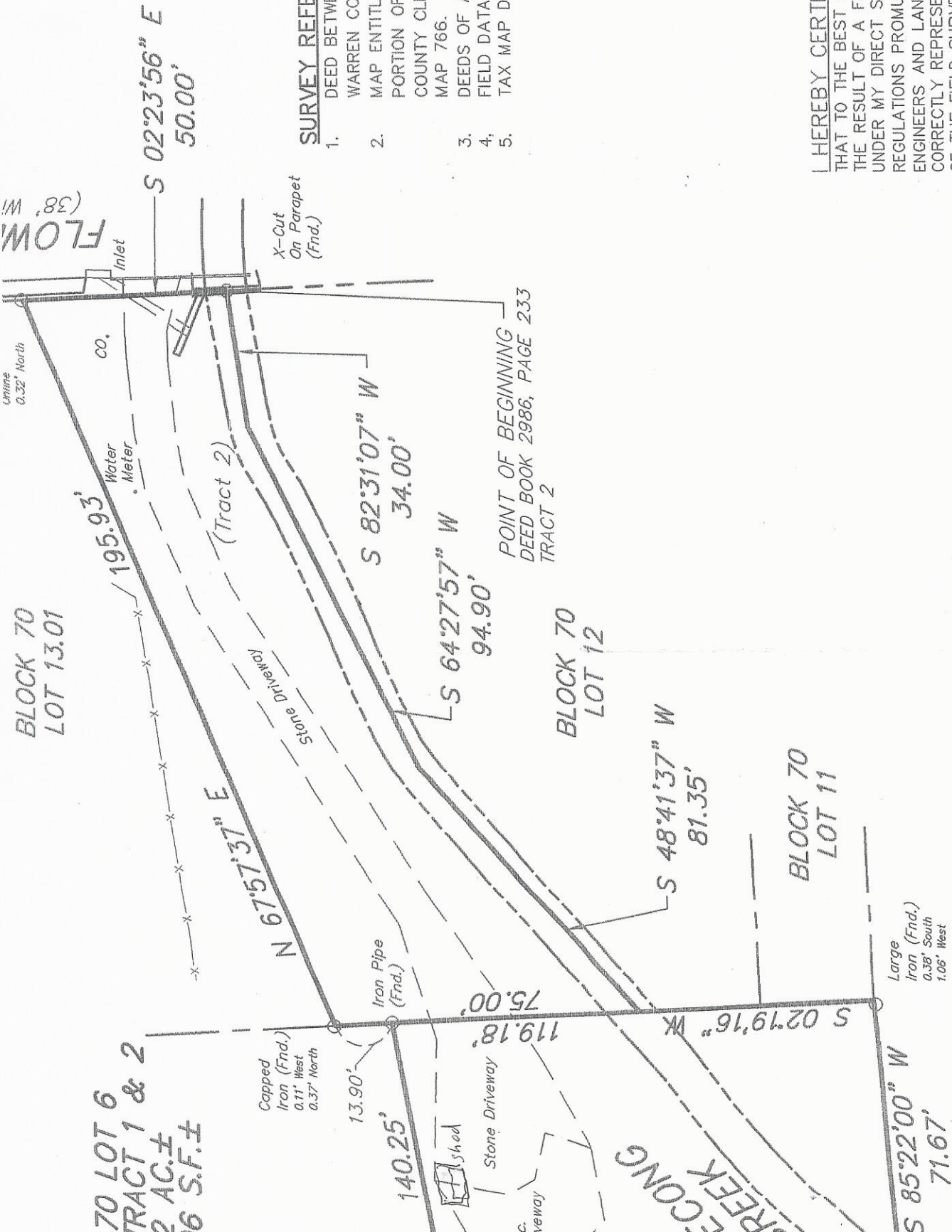
Eric Hoyer

Signature of Applicant or Agent

\_\_\_\_\_  
Signature of Co-Applicant

\_\_\_\_\_  
If applicant is not the owner,  
signature of owner.

\_\_\_\_\_  
Signature of Co-owner



**SURVEY REFERENCES:**

1. DEED BETWEEN MICHAEL A. RUBINE AND E WARREN COUNTY CLERK'S OFFICE IN DEED MAP ENTITLED "PROPOSED MINOR SUBDIVISION OF TAX MAP LOT 5; BLOCK 70, COUNTY CLERK'S OFFICE ON NOVEMBER 6, MAP 766.
2. DEEDS OF ADJOINING OWNERS INDICATED ( FIELD DATA.
3. TAX MAP DATA.
- 4.
- 5.

I HEREBY CERTIFY TO THE FOLLOWING THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE RESULT OF A FIELD SURVEY MADE ON OCTOBER UNDER MY DIRECT SUPERVISION, IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE "STATE BOARD OF ENGINEERS AND LAND SURVEYORS". THE INFORMATION CORRECTLY REPRESENTS THE CONDITIONS FOUND AT OF THE FIELD SURVEY, EXCEPT SUCH IMPROVEMENT BELOW THE SURFACE AND NOT VISIBLE.

CERTIFIED TO:  
ERIC HOYER

SURVEY  
OF

BLOCK 70  
LOT 7



**Alan Y. Lowcher**  
*Attorney and Counselor at Law*  
263 Belvidere Avenue  
P.O. Box 46  
Washington, NJ 07882  
(By Appointment)  
(908) 581-4737  
E-mail: lowcherlaw@rcn.com

*Applic. fee for extension*  
*4-28-20*  
*\$100.00*

March 30, 2020

Ms. Patricia Titus, Land Use Board Secretary  
Washington Borough Land Use Board  
100 Belvidere Avenue  
Washington, New Jersey 07882

Re: A&B Properties Services, LLC Minor Subdivision  
Block 99, Lot 8, Washington Borough Official Tax Map

Dear Ms. Titus:

I am the attorney for A&B Properties Services, LLC. The Land Use Board granted minor subdivision approval, with conditions, memorialized in a Resolution adopted on August 12, 2019. The approval was conditioned on, among other things, obtaining Warren County Planning Department approval and complying with Board Engineer Schrek's Technical Review letter. The applicant received County approval on February 26, 2020. The applicant's engineer submitted a revised subdivision plan primarily addressing Engineer Schrek's request related to storm water manage, on or about March 20, 2020. We anticipate that Engineer Schrek will issue a revised compliance review letter, confirming that all conditions of approval have been met, in the very near future given the limitations imposed by the current health crisis.

Normally, the subdivision deeds would need to be recorded within 190 days after subdivision approval was granted. N.J.S.A. 40:55D-47 states that the approval of a minor subdivision shall expire 190 days from the date of adoption of the Resolution of municipal approval unless within that time the deeds are recorded.

N.J.S.A. 40:55D-47.f expressly states that the "planning board may extend the 190 day period for filing a minor subdivision plat or deed . . . if the developer proves to the reasonable satisfaction of the planning board (1) that the developer was barred or prevented directly or indirectly from filing because of delays in obtaining legally required approvals from other government or quasi-government entities; and (2) that the developer applied promptly for and diligently for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for

Ms. Patricia Titus, Land Use Board Seretary  
March 30, 2020  
Page Two

the required approvals as determined by the planning board. The developer may apply for the extension either before or after what would otherwise be the expiration date." The 190 day period expired on February 18, 2020. In order that there should be no question in the future that the subdivision deeds were properly recorded, my client is requesting that the Land Use Board grant an extension of time to record the subdivision deeds through and including August 31, 2020. Hopefully, this will allow sufficient time for the Land Use Board to consider and take action at a regular meeting and memorialize the same at the same of following regular meeting, as soon as said meetings can be held, given the uncertainties brought on by the current health crisis. Since the request does not result in an extension of time exceeding five years, public notice of this request is not required. I enclose a check for \$100.00 (application fee to extend an approval). Dep. 4/28/20

I also enclose the subdivision deeds and I request that you arrange with Marianne Van Deursen, Chair, to sign them when you can. Please let me know when this is done and we will figure out how I can get them from you. Please call me if you have any questions. Thank you.

Sincerely,

  
Alan Y. Lowcher

AYL:ayl

Cc: A&B Properties Services, LLC  
Steven P. Gruenberg, Esq. (stevenpgruenberg@gruenberglegal.com)  
Stanley Schrek, PE, AIA, PP, CME, LEED AP. (sschrek@vcea.org)

MICHAEL B. LAVERY  
MICHAEL S. SELVAGGI<sup>+</sup>  
JOHN J. ABROMITIS  
LAWRENCE P. COHEN<sup>+</sup>  
KATHERINE E. INGRASSIA<sup>+</sup>  
JAMES F. MOSCAGIURI  
KATRINA L. CAMPBELL<sup>+</sup>  
RICHARD W. WENNER<sup>+</sup>  
WILLIAM H. PANDOS<sup>+</sup>

<sup>+</sup>CERTIFIED BY THE SUPREME COURT OF  
NEW JERSEY AS A CIVIL TRIAL ATTORNEY  
<sup>+</sup>MEMBER OF NJ AND PA BAR  
<sup>+</sup>MEMBER OF NJ AND NY BAR

LAW OFFICES  
**LAVERY, SELVAGGI, ABROMITIS & COHEN**

A PROFESSIONAL CORPORATION  
1001 ROUTE 517  
HACKETTSTOWN, NEW JERSEY 07840  
(908) 852-2600  
FAX (908) 852-8225  
WWW.LSACLAW.COM

23 CATTANO AVENUE  
AT CHANCERY SQUARE  
MORRISTOWN, NJ 07960  
Telephone (973) 285-1281  
Fax (973) 285-0271

OF COUNSEL:

RAVINDER S. BHALLA  
JAMES A. COURTER  
JOEL A. KOBERT  
PETER J. COSSMAN  
ROBERT V. STILES  
RICHARD R. KEILING

SENDERS DIRECT EMAIL  
[LCOHEN@LSACLAW.COM](mailto:LCOHEN@LSACLAW.COM)

May 7, 2020

**Via Email [ptitus@washingtonboro-nj.org](mailto:ptitus@washingtonboro-nj.org)**

Planning Board Members  
c/o Patricia Titus, Secretary  
Borough of Washington Planning Board  
100 Belvidere Avenue  
Washington, NJ 07882

**Re: Application of Jade Washington Partners, LLC – Towne Square**

Dear Planning Board Members:

As you recall, I represent Jade Washington Partners, LLC, the owner of Block 95, Lots 3 and 4. As you are also aware, we have received approval to construct on the property a 50-unit apartment complex, together with retail space. We have had an initial Resolution of Approval, and two subsequent amendments, the last being September 11, 2017.

Pursuant to the provisions of N.J.S.A. 40:55D-52, we have a period of two years from that last amendment to protect the developer against any changes in conditions or the rights granted to the developer pursuant to the approval. Since that time has expired, the developer is requesting an extension through September 11, 2021.

Setting aside the present crisis as a result of the Coronavirus, this request for an extension is being made because the developer was prevented from proceeding as a result of problems in obtaining the construction permits issued by the New Jersey Department of Community Affairs ("DCA").

Subsequent to the last amendment, the developer proceeded to finalize the plans for construction and apply for construction permits. Construction permits for the Borough of Washington are issued by the DCA. At the time the permits were applied for, the Construction Official assigned to Washington Borough was Drake Rizzio. The developer applied for and obtained a demolition permit. Subsequent to obtaining the demolition permit, detailed drawings and all the necessary documents were submitted to the DCA for review and approval. Fees were paid in an amount of just under \$30,000. In December 2018, the construction permits were issued through Mr. Rizzio and construction commenced.

During 2019, Mr. Rizzio retired and was replaced by Raymond Stover as the DCA Building Inspector for Washington Borough. Mr. Rice was contacted by Mr. Stover, following a meeting at the Borough attended by Matt Hall, Kevin Smith, Ray Stover, Bill Hotz and Ray  
{00659546-1}

Rice. He advised him that he had reviewed the construction permits and, in his opinion, the permits should not have been issued by Mr. Rizzio, as Mr. Rizzio misclassified the building. Mr. Rizzio classified it as a Class 2 structure, and Mr. Stover said it should have been classified as a Class 1 structure.

As a result of being classified as a Class 1 structure, apparently now all the plans had to be reviewed directly by the main office in Trenton. That would have required all of the plans, engineering, etc., to be submitted in electronic form. The plans would have to be converted to a digital format. Mr. Rice was also advised that Trenton was backed up and that it was going to be a period of time until the plans were reviewed. As a result, the construction was stopped by the DCA in September 2019.

The developer was advised that it was going to have to retain certified inspectors at its cost and expense to certify that the work had been done in accordance with the Class 1 structure requirements, and there would have to be independent certifications of the structural soundness of the footings, foundation and steel work. The steel installed would have to be tested to meet certain strength requirements. The developer's architect complied with the request and this was submitted to the DCA office.

Negotiations ensued between the developer and the DCA. Ultimately, the DCA agreed that the permits could be reviewed through the local office, which is located in Asbury, New Jersey. A substantial amount of time expired. Ultimately, the permits for the footings and slab were released and allowed to proceed under the original permit dated December 13, 2017 pursuant to a re-review. At this time, the developer is complying with other conditions requested by the DCA in regard to reissuance of the other permits for the job. Regrettably, the response has been impacted by the current Executive Order issued by Governor Murphy.

We are now obviously in an unprecedented period of time as a result of the Coronavirus and the Orders of the Governor of the State. This is not essential construction and we have to wait until we are permitted to start construction on this structure.

As a result of the delays, and pursuant to the provisions of the statute, we are hereby requesting that the Planning Board grant the developer an extension through the end of September 11, 2021.

We would be happy to appear to discuss this with the Board at its next meeting, which I presume is a virtual meeting. Please advise if we can be placed on the agenda.

Very truly yours,

*/s/ Lawrence P. Cohen*

Lawrence P. Cohen

LPC/clp

cc: Steven P. Gruenberg, Esq. (Via Email [stevenpgruenberg@gruenberglegal.com](mailto:stevenpgruenberg@gruenberglegal.com))  
Matthew C. Hall, MPA (Via Email [manager@washingtonboro-nj.org](mailto:manager@washingtonboro-nj.org))  
Tara St. Angelo, Esq. (Via Email [tstangelo@gklegal.com](mailto:tstangelo@gklegal.com))